

**OSEP Memorandum of Agreement (MOA)  
Key Elements and Reporting Timeframes**

Key Performance Indicators:

- Timeliness of Initial Evaluations and Reevaluations
- Implementation of Hearing Officer Decisions
- Least Restrictive Environment
- Disproportionate Representation and Timeliness of Due Process Hearings  
Secondary Transition

<b>Report</b>	<b>Reporting Period</b>	<b>Report Due Date</b>
First Report	September 4, 2009 – December 4, 2009	January 11, 2010
Second Report	December 5, 2009 – March 5, 2010	April 1, 2010
Third Report	March 6, 2010 – June 6, 2010	July 1, 2010
Fourth Report	June 7, 2010 - September 1, 2010	October 1, 2010
Fifth Report	September 2, 2010 – December 1, 2010	January 10, 2011
Sixth Report	December 2, 2010 – February 1, 2011	March 1, 2011

**September 4, 2009 through December 4, 2009 Reporting Period  
Numerical Benchmarks**

<b>DSE Reporting</b>	<b>Benchmark Target</b>	<b>Description of Required Information</b>
<b>Initial Evaluations and Reevaluations</b>		
65.4%	75%	Report the percent of initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period that were conducted in a timely manner.
26.7%	45%	Report the percent of children (a) who as of the end of the previous reporting period (September 3, 2009), had not been provided a timely initial evaluation and placement (backlog) and (b) whose initial evaluation and placement became overdue during the reporting period, that were provided initial evaluations and placements during the reporting period.  (See section 2.A 1. (a), (b), and (c) of Enclosure E of the July 1, 2009 FFY 2009 Part B grant award letter. To calculate the percentage: (c) divided by (a) + (b) times 100).
61%	75%	Report the percent of triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period that were conducted in a timely manner.
39.2%	45%	Report the percent of children (a) who, as of the end of the previous reporting period (09/03/2009), had not been provided a timely triennial reevaluation (backlog) and (b) whose triennial reevaluation became overdue during the reporting period, that were provided triennial reevaluations during the reporting period.  (See section 2.A 2. (a), (b), and (c) of Enclosure E of the July 1, 2009 FFY 2009 Part B grant award letter. To calculate the percentage: (c) divided by (a) + (b) times 100).
<b>Implementation of Due Process Hearing Determinations (HODs)</b>		
67.3%	50%	Report the percent of hearing officer determinations <sup>1</sup> that were implemented in a timely manner during the reporting period.
63.2%	80%	Report the percent of children whose hearing officer determinations, as of the end of the previous reporting period (September 3, 2009), had not been implemented within the required time frame (backlog) and whose hearing officer determinations had not been implemented within the required time frame during the reporting period that had hearing officer determinations implemented during the reporting period.  (See section 2.B.1. (a), (b) and (c) of Enclosure E of the July 1, 2009 FFY 2009 Part B grant award letter. To calculate the percentage: (c) divided by (a) + (b) times 100).

<sup>1</sup> For purposes of this benchmark, “hearing officer determinations” does not include settlement agreements and the benchmark is calculated on a per child basis, not per hearing officer determination in cases where the same child has more than one hearing officer determination.